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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
corporation;

Defendant.

Case No. 3:23-cv-03417-VC-TSH

**JOINT ADMINISTRATIVE MOTION TO FILE
UNDER SEAL JOINT DISCOVERY LETTER
BRIEF AND EXHIBITS**

Pursuant to Civil Local Rule 79-5(c) and 79-5(d), Plaintiffs Richard Kadrey, Sarah Silverman, Christopher Golden, Ta-Nehisi Coates, Junot Diaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise Snyder, Jacqueline Woodson, and Lysa TerKeurst (collectively, “Plaintiffs”) and Defendant Meta Platforms, Inc. (“Meta”) (collectively, the “Parties”) hereby jointly move this Court for an Order allowing the partes to file under seal confidential, unredacted versions of certain documents relating to the Parties’ Joint Letter Brief on Meta’s Motion for a Protective Order re: Plaintiff’s Request to Depose Mark Zuckerberg (“Joint Letter Brief”). The Parties respectfully submit that compelling reasons exist for the filing of these documents under seal. The motion is based on the following Memorandum of Points and Authorities and the Declarations of Nikki Vo in support of this Joint Administrative Motion to File Under Seal.

The following chart lists the documents for which the Parties request sealing – in whole or in part – in order to protect Meta’s confidential business information.

Document	Sealing Request
Joint Discovery Letter Brief	• Redacted portions
Exhibit E to Joint Discovery Letter Brief	• Entire document
Exhibit F to Joint Discovery Letter Brief	• Entire document
Exhibit G to Joint Discovery Letter Brief	• Entire document
Exhibit H to Joint Discovery Letter Brief	• Entire document
Exhibit I to Joint Discovery Letter Brief	• Entire document
Exhibit J to Joint Discovery Letter	• Entire document
Exhibit K to Joint Discovery Letter	• Entire document
Exhibit L to Joint Discovery Letter	• Entire document
Exhibit M to Joint Discovery Letter	• Entire document
Exhibit N to Joint Discovery Letter	• Entire document

1 A [Proposed] Order is filed concurrently herewith, and the Parties refer the Court to the Joint Letter
 2 itself and the supporting evidence attached thereto as further support for this Joint Administrative
 3 Motion.

4 **I. LEGAL ARGUMENT**

5 Though the presumption of public access to judicial proceedings and records is strong, it
 6 “is not absolute.” *Nixon v. Warner Commc’ns. Inc.*, 435 U.S. 589, 598 (1978). The Ninth Circuit
 7 treats documents “attached to dispositive motions differently from records [*i.e.*, documents]
 8 attached to non-dispositive motions.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180
 9 (9th Cir. 2006); *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1098 (9th Cir. 2016). For
 10 non-dispositive motions, such as the Parties’ Joint Letter Brief, the “good cause” standard applies.
 11 *OpenTV v. Apple*, No. 14-cv-01622-HSG, 2015 WL 5714851, at *2 (N.D. Cal. Sept. 17, 2015);
 12 *Kamakana*, 447 F.3d at 1180 (“A ‘good cause’ showing will suffice to seal documents produced in
 13 discovery.”). The Federal Rules afford district courts “flexibility in balancing and protecting the
 14 interests of private parties.” *Kamakana*, 447 F.3d at 1180; *DSS Tech. Mgmt. v. Apple*, No. 14-cv-
 15 05330-HSG, 2020 WL 210318, at *8 (N.D. Cal. Jan. 14, 2020), *aff’d*, 845 F. App’x 963
 16 (Fed. Cir. 2021) (finding good cause to seal “confidential business and proprietary information”).

17 The portions of the Joint Letter Brief and Exhibits E–N, attached thereto, contain Meta’s
 18 confidential information, for which Meta requests sealing. Exhibits E–N, are internal Meta
 19 documents and communications concerning matters including budget allocations, high-level
 20 business strategy, plans for growth and monetization, and detailed technical discussion concerning
 21 Meta’s AI development. Meta must request sealing of these materials, as this information is highly
 22 confidential, and Meta takes steps to carefully protect the confidentiality of information of this sort
 23 as disclosure has the potential to cause significant competitive injury to Meta. *See, e.g., Krieger v.*
 24 *Atheros Commc’ns, Inc.*, No. 11-CV-640-LHK, 2011 WL 2550831, at *1 (N.D. Cal. Jun. 25, 2011)
 25 (finding information regarding party’s “long-term financial projections, discussions of business
 26 strategy, and competitive analyses” sealable); *Space Data Corp. v. Alphabet Inc.*, No. 16-CV-
 27 03260-BLF, 2019 WL 285799, at *1 (N.D. Cal. Jan. 22, 2019) (finding information regarding
 28 party’s confidential and proprietary technical information, and sensitive financial information

1 sealable). The portions of the Joint Letter Brief that the Parties seek to redact quote from or describe
2 the contents of Exhibits E–N. These sealing requests are critical to protect Meta’s confidential
3 sensitive technical and competitive information.

4 The specific basis for sealing these materials is outlined in the accompanying declaration
5 of Meta’s Director and Associate General Counsel, Nikki K. Vo. As outlined in Ms. Vo’s
6 declaration, disclosure of the protected information contained in the materials the Parties seek to
7 seal would work competitive harm to Meta if this information is publicly disclosed. The Parties’
8 sealing requests and proposed redactions are narrowly tailored to include only that information
9 which would cause specific, articulable harm, as identified in Ms. Vo’s declaration. In each
10 instance, the harm to Meta outweighs the public’s interest in disclosure. *See, e.g., In re iPhone*
11 *App. Litig.*, No. 11-md-02250-LHK, 2013 WL 12335013, at *2 (N.D. Cal. Nov. 25, 2013) (granting
12 motion to seal where the defendant’s interest in “maintaining the confidentiality of information
13 about its technology and internal business operations” outweighed that of the public in accessing
14 such documents).

15 **II. CONCLUSION**

16 Pursuant to Civil Local Rule 79-5, redacted and unredacted versions of the above-listed
17 documents accompany this Administrative Motion. For the foregoing reasons, the Parties
18 respectfully request that the Court grant their Joint Administrative Motion to Seal.

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1 Dated: September 20, 2024

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)

I hereby attest that I obtained concurrence in the filing of this document from each of the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 20, 2024

COOLEY LLP

/s/ Kathleen Hartnett

Attorneys for Defendant
Meta Platforms, Inc.

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